

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

FILED

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JAN - 2 2001

UNITED STATES OF AMERICA,
ST. LOUIS
Plaintiff,

vs.

JERRY LEWIS BEY, MICHAEL
WILLIAMS EL, CARLTON DARDEN BEY
and RAYMOND AMERSON BEY.

Defendants.

JAN - 3 2001

U. S. DISTRICT COURT
EASTERN DISTRICT OF MO

U. S. DISTRICT COURT
EASTERN DISTRICT OF MO CDP

No. S1-91-0001 CR(6)

*Denied for reasons stated in original order.
Cathie D. Perry
1/3/01*

**SUPPLEMENTAL MOTION IN SUPPORT OF MOTION
TO RECONSIDER ORDER OF NOVEMBER 27, 2000
DENYING DEFENDANT'S MOTION FOR A NEW TRIAL**

Comes Now Defendant, Jerry Lewis Bey, Pro Se, moves this Court to reconsider its order of November 27, 2000, denying Defendant's Motion of a New trial. In support thereof, Defendant states as follows:

Defendant's Motion Under Rule 33 Is Not Time Barred

1. In a number of decisions, the Eighth Circuit Court of Appeals, has long ago held that "the appellate process terminates and the two-year time period for a motion pursuant to Fed. R. Crim. P. Rule 33, for a New Trial, begins to run when the appellate court issues its mandate of performance." See United States v. White, 557 F.2d 1249, 1250 (8th Cir. 1977); United States v. Cody, 529 F.2d 564, 566 (8th Cir. 1976); United States v. Spector, 888 F.2d 583, 585 (8th Cir. 1989).

2. On November 22, 1995, the Eighth Circuit " issued a judgement affirming defendant and other codefendant's conviction and sentence."

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UNITED STATES DISTRICT COURT EASTERN MISSOURI
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